

§ 842.25 Partial payments.

Upon request of a claimant, a settlement authority may make a partial payment in advance of final settlement when a claimant experiences personal hardship due to extensive property damage or loss. Examples where partial payments are appropriate include fires and sunken transport ships. Partial payments are made in this manner:

(a) If a claim for only part of the loss is submitted and is readily provable, pay it up to the amount of the settlement authority. (The claimant may later amend the claim for the remainder of the loss.) If the total payable amount of the claim exceeds the payment limits of the settlement authority, send it with recommendations through claims channels to the proper settlement authority.

(b) When the total claim is submitted and the amount payable exceeds the settlement authority, pay a partial payment within the limits of settlement authority and send the claim, with recommendations, through claims channels to the proper settlement authority.

§ 842.26 Statute of limitations.

(a) The claimant must file the claim in writing within 2 years after it accrues. It accrues when the claimant discovered or reasonably should have discovered the full extent of the property damage or loss. For transportation losses, the claim usually accrues on the date of delivery.

(b) To compute the statutory period, the incident date is excluded and the day the claim was filed is included.

(c) Consider a claim filed after the statute has run if both of the following are present:

(1) The United States is at war or in an armed conflict when the claim accrues, or the United States enters a war or armed conflict after the claim accrues. Congress or the President establishes the beginning and end of war or armed conflict. A claimant may not file a claim more than 2 years after the war or armed conflict ends.

(2) Good cause is shown. A claimant may not file a claim more than 2 years after the good cause ceases to exist.

§ 842.27 Who may file a claim.

A claim may be filed by the:

- (a) Property owner.
- (b) Authorized agent with a power of attorney.
- (c) Property owner's survivors, who may file in this order:
 - (1) Spouse.
 - (2) Children.
 - (3) Father or mother, or both.
 - (4) Brothers or sisters, or both.

§ 842.28 Who are proper claimants.

Proper claimants are:

- (a) Active duty Air Force military personnel.
- (b) Civilian employees of the Air Force who are paid from appropriated funds.
- (c) DOD school teachers and school administrative personnel who are provided logistic and administrative support by an Air Force installation commander.
- (d) Air Force Reserve (AFRES) and Air National Guard (ANG) personnel when performing active duty, full-time National Guard duty, or inactive duty training, ANG technicians under 32 U.S.C. 709.
- (e) Retired or separated Air Force military personnel who suffer damage or loss resulting from the last storage or movement of personal property, or for claims accruing before retirement or separation.
- (f) AFROTC cadets while on active duty for summer training.
- (g) United States Air Force Academy cadets.

§ 842.29 Who are not proper claimants.

The following individuals are not proper claimants:

- (a) Subrogees and assignees of proper claimants, including insurance companies.
- (b) Conditional vendors and lienholders.
- (c) Non-Air Force personnel, including American Red Cross personnel, United Services Organization (USO) performers, employees of government contractors, and Civil Air Patrol (CAP) members.
- (d) AFROTC cadets who are not on active duty for summer training.